

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

CEDRIC MOORE,

Plaintiff,

V.

**BIRMINGHAM POLICE
DEPARTMENT NORTH
PRECINCT, et al.,**

Defendants.

Case No. 5:09-cv-01834-RDP-PWG

MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation on May 19, 2010, recommending that the Birmingham Police Department, North Precinct, and Officers Robinson, Clark, Hardiman, Thrash, Thurman, Majors, Wade, Murray, Hubbard, Burnett, Billups, Lucky, Wilhite, Ballard, Cooper, Treadway, and Bailey be dismissed as defendants pursuant to 28 U.S.C. § 1915A(b). The Magistrate Judge further recommended that Plaintiff's Fourth Amendment claim against Birmingham Police Officer Jeffrey Whitt be referred to the Magistrate Judge for further proceedings. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and the

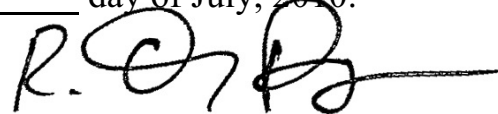
Recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** as follows:

1. The Birmingham Police Department, North Precinct, and Officers Robinson, Clark, Hardiman, Thrash, Thurman, Majors, Wade, Murray, Hubbard, Burnett, Billups, Lucky, Wilhite, Ballard, Cooper, Treadway, and Bailey are due to be dismissed as defendants pursuant to 28 U.S.C. § 1915A(b); and

2. Plaintiff's Fourth Amendment excessive force claim against Officer Jeffrey Whitt is due to be referred to the Magistrate Judge for further proceedings.

An appropriate order will be entered.

DONE and **ORDERED** this 6th day of July, 2010.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE